

Forest Service, Recreation, Heritage, and Wilderness Resource Southwestern Region

MEMBERSHIP BALANCE PLAN

1. Committee's Official Designation

Arizona National Scenic Trail Advisory Council

2. Authority

The Arizona National Scenic Trail Advisory Council (Council) is hereby established pursuant to the implementation of Section 5(d) of the National Trails System Act (Act) (Pub. L. 90-543) as amended through (Pub. L. 111-11) (16 U.S.C. §§ 1241 to 1251), by the Secretary of Agriculture in accordance with the provisions of the Federal Advisory Committee Act (FACA) as amended, 5 U.S.C. App. 2.

3. Objectives and Scope of Activities

The purpose of the Council is to provide advice and recommendations to the Secretary of Agriculture (Secretary) on matters relating to the Arizona National Scenic Trail (Arizona Trail) including but not limited to, the development and implementation of a comprehensive plan, selection of rights-of-way, standards for the erection and maintenance of markers along the Trail, and interpretation and administration of the Trail, in compliance with the Act.

4. Points of View Needed for the Committee

The Arizona National Scenic Trail is a long-distance non-motorized trail stretching over 800 miles through some of the most scenic and remote parts of Arizona, showcasing the state's diverse vegetation, wildlife, geology, history and prehistory. It connects deserts, mountains, forests, wilderness, canyons, historic sites, communities and people. Potential members of the advisory council should have a desire to perpetuate and protect the nature and purposes for which the Arizona Trail was established, which include the natural landscapes and historical areas through which it passes, while taking into consideration other public interests along to the Trail corridor. Nominees should also be cognizant of the cultural history of the area and how it relates to the Arizona Trail experience.

Nominations from groups representative of the cultures of the southwest will be encouraged.

Section 5(d) of the National Trails System Act (the Act) states: "Members of each Council shall be appointed by the appropriate Secretary as follows:

(1) the Head of each Federal department or independent agency administering lands through which the trail route passes, or his designee.” This includes:

- The Regional Forester of the Southwestern Region, Forest Service, or a designee;
- The State Director of the Arizona State Office of the Bureau of Land Management (BLM), or a designee;
- The Regional Director of the Intermountain Region – National Park Service (NPS), or a designee;

(2) a member appointed to represent each State through which the trail passes, and such appointments shall be made from recommendations of the Governors of such States.

(3) one or more members appointed to represent private organizations, including corporate and individual landowners and land users which, in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments will be made from recommendations of the heads of such organizations....”

To meet the requirements of (3), and also to include representation by other jurisdictions believed to be necessary for a well-balanced Council, members will be selected from the following categories. Some members could represent more than one interest or organization:

- **Arizona State Parks** (one representative)
This agency has played an integral role in the development of the Arizona Trail, and the Trail crosses one State Park.
- **County and Municipalities** (one representative)
The Arizona Trail passes through several counties and three hold easements for the Trail on lands owned by the Arizona State Land Department. They have also incorporated the Trail into their county trail systems and played a crucial role in its development.
The Arizona Trail passes through two incorporated cities where it follows municipal trail system routes.
- **Native American Tribes** (one representative)
Although the AZNST does not pass through tribal owned lands, it passes through former lands of American Indian Tribes and areas of special interest.
- **National Scenic Trails and non-motorized trail organizations** (at least two representatives)
The Arizona Trail Association (ATA) is the principal volunteer organization who has given critical support to the development of the Trail since 1994. At least one position on the council should be filled by this organization. Another seat may be filled by any organization representing non-motorized trail community that may or may not be specifically involved with National Scenic Trails. Section 7(c) of the

Act states, "...The Use of motorized vehicles by the general public along any national scenic trail shall be prohibited....". Therefore only non-motorized interests are considered here.

- **Gateway Communities** (one representative)
Communities along the Arizona Trail benefit from their proximity to this unique recreation opportunity. They also provide important support services to trail users, supply volunteers and make other important contributions to the Arizona Trail.
- **Conservation Organizations** (one representative)
The undeveloped lands through which the Arizona Trail passes are important open space landscape connections, wildlife corridors, and watersheds. The presence on the council by a member of the conservation community would help facilitate coordination that will promote and preserve the mutual values of the Arizona Trail corridor and other resources that benefit from landscape scale conservation efforts.
- **Ranching Industry** (one representative)
The primary land use along the Arizona Trail corridor is grazing. The Arizona Trail passes through grazing allotments and leases on land managed by the Arizona State Land Department, the Forest Service, and the Bureau of Land Management. Rancher interests could be affected by the presence of the Arizona Trail and its uses so they should be represented.
- **Private landholders** (one representative)
A percentage of the Arizona Trail lies on private land and other sections pass close to private land or are otherwise affected by private land interests.

Every effort will be made to ensure the membership of this Council is balanced, nevertheless, USDA recognizes that committee membership is not static and may change, depending on the work of the committee.

5. Other Balance Factors

Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership will include to the extent possible, individuals with demonstrated ability to represent minorities, women and persons with disabilities.

The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program.

6. Quorum Requirements

The majority of members of the Council shall constitute a quorum. This does not include the DFO. The operation of the Council shall not be impaired by the fact that a member

has not been appointed as long as a quorum has been attained. Only appointed members may serve on the Council. If a member is unable to attend a meeting, the member may not send a representative to act in their stead.

7. Candidate Identification Process

(a) A list of potential candidates and/or organizations will be compiled by requesting recommendations from the four national forests the trail crosses and the partner agencies, which include the Bureau of Land Management, National Park Service, Arizona State Parks, and several counties and municipalities. Organizations such as trails groups, Natural Resource Conservation Districts, environmental organizations, and chamber of commerce offices will be contacted, as will the State Office of Tourism and others, as stated in the Outreach Plan. Nominations will be accepted from organizations, agencies and individuals. The Outreach plan provides additional guidance on seeking nominees.

Council representatives will be selected based on their experience and ability in representing the interests identified in this Balance Plan.

(b) The Designated Federal Officer will make recommendations that will be reviewed by the Regional Forester and the Regional Director of Civil Rights.

(c) If any council seat should become vacant before the end of the two year term a new representative will be selected from existing nominations within 4 months. If there is an inadequate field of nominees existing additional nominations will be sought and the position will be filled within 6 months of being vacated.

(d) A two-year term limit is required by legislation.

Once candidates have been identified, their names and background data are submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the committee due to criminal or ethical violations.

8. Subcommittee Balance

The Council Chairperson, with the approval of the DFO, will appoint subcommittee members. There are not enough seats in each category to provide for representation on subcommittees from all points of interest represented. The Council Chairperson will take into consideration the knowledge and interests needed to accomplish subcommittee tasks firstly, and secondly, balance in keeping with the balance plan to the extent possible.

9. Other

10. Date Prepared or Updated:

November 29, 2012

11. Legal Background

Section 5(b)(2) of the FACA requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure "that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;" and (2) "[a]dvisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed." (41 CFR § 102-3.60(b)(3)).

FACA mandates that Federal advisory committees be balanced in the points of view represented by the members, but leaves it to the discretion of each agency on how to do this. The FACA regulations offer guidance in achieving a balanced Federal advisory committee membership, which include considering:

- (i) The Federal advisory committee's mission;
- (ii) The geographic, ethnic, social, economic, or scientific impact of the Federal advisory committee's recommendations;
- (iii) The types of specific perspectives required, such as those of consumers, technical experts, the public at-large, academia, business, or other sectors;
- (iv) The need to obtain divergent points of view on the issues before the Federal advisory committee; and
- (v) The relevance of State, local, or tribal governments to the development of the Federal advisory committee's recommendations." (41 CFR § III of App. A to Subpart B)